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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/498,821 02/04/00 LUTKUS

W 0275M-000273

EXAMINER

PM82/0102

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Patent Trademark & Licensing Dept
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SAETHER, E

ART UNIT

PAPER NUMBER

3627

DATE MAILED:

01/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/498,821

Applicant(s)
LUTKUS

Examiner
Flemming Saether

Group Art Unit
3627



☒ Responsive to communication(s) filed on Oct 10, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 6 objected to because of the following informalities: the claim needs to be amended to a single sentence. Appropriate correction is required.
3. Claims 1, 2, 6, 10, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toosky in view of Schumacher. Toosky discloses a nut having an insert and in the embodiment of Fig. 9, it is shown as a helically coiled wire. The insert is intended to prevent galling (column 5, lines 12-35). Schumacher discloses an alloy made up of the elements each defined to be within a specific range to resist galling. The disclosed range of each element overlapping that as claimed for the same element. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the insert of Toosky out of a material as disclosed in Schumacher because the alloy itself resisting galling would be preferable to a separate coating or plating as currently employed in Toosky. The separate plating would require addition manufacturing.
4. Claims 3-5, 7-9, 11-13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over modified Toosky as applied to claim 1, 2, 6, 10, 14 and 16 above, and further in view of Cosenza. Cosenza teaches the insert to having the same shape as that claimed by applicant thus is shown the diamond-shaped cross-section and apparently the 60° internal screw

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thread convolution. At the time the invention was it would have been obvious for one of ordinary skill in the art to make the insert of Toosky of a shape as disclosed in Cosenza because the shape of the insert of Cosenza provides for superior thread engagements. The examiner takes notice with respect to the removable tang.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would be desirable to provide galling resistance to the fastener without having to the additional step of plating the.

6. It appears that the indication of allowable subject matter was in error since Schumacher discloses the material concentrations inclusive of the claimed ranges.

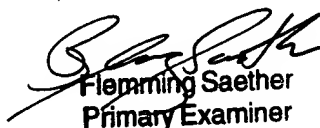
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is (703) 308-0182. The examiner can normally be reached on Monday-Thursday from 8:00 am to 5:00 pm.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.


Flemming Saether
Primary Examiner

January 1, 2001